

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MAKINA VE KIMYA ENDUSTRISI A.S.,

Plaintiff,

—against—

A.S.A.P. LOGISTICS LTD, ASAP  
LOGISTICS AND DEFENSE SECURITY  
SERVICES LTD., ASAP LOJISTIK VE  
SAVUNMA TICARET LIMITED SIRKETI  
D/B/A ASAP LOGISTICS AND DEFENSE  
AND/OR ASAP LOGISTICS AND  
DEFENSE GUVENLIK HIZMETLERI  
SANAYI VE TICARET LIMITED SIRKETI,  
TURKKEY CAPITAL KURUMSAL  
FINANS COZUMLERI LIMITED SIRKETI  
D/B/A TURKKEY CAPITAL KURUMSAL  
FINANS COZUMLERI LIMITED SIRKETI;  
DEBORAH CROSS, GÜVEN ACARER,  
METIN NERKIS, TÜRKER KÜÇÜKER &  
İLKER KÜÇÜKER,

Defendants.

Civil Action No. 1:22-cv-03933 (AS)

**ASAP DEFENDANTS’  
NOTICE OF MOTION  
FOR PRECLUSION PURSUANT  
TO FED. R. CIV. P. 37(c)(1)**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of ASAP Defendants’ Motion for Preclusion Under Fed. R. Civ. P. 37(c)(1), the Declaration of Richard S. Mandel, Esq. in Support of ASAP Defendants’ Motion for Preclusion and Exhibits 1-10 thereto, and all of the papers and proceedings heretofore had herein Defendants A.S.A.P. Logistics Ltd (“ASAP Logistics”), ASAP Logistics and Defense Security Services Ltd. (“ASAP Security”), ASAP Lojistik Ve Savunma Ticaret Limited Sirketi (“ASAP Turkey”) and Debbie Cross (“Cross”) (collectively the “ASAP Defendants”) hereby move this Court, before the Honorable Arun Subramanian, United States District Judge, Southern District of New York, at

the United States Courthouse, 500 Pearl Street, New York, New York 10007, for an order precluding Plaintiff Makina Ve Kimya Endustrisi A.S. (“MKE”) from offering the expert testimony of Pamela O’Neill in support of MKE’s reasonable royalty, corrective advertising and lost profits damage claims, pursuant to Fed. R. Civ. P. 37(c) (1), and granting such other and further relief as the Court may deem just and proper.

Dated: New York, New York  
January 12, 2024

COWAN, LIEBOWITZ & LATMAN, P.C.

By: /s/Richard S. Mandel  
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